

DELEGATED

AGENDA NO .

**PLANNING COMMITTEE
8th August 2007**

**REPORT OF CORPORATE DIRECTOR
OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES.**

07/1482/REM

**Former Sun Street Depot, And Adjacent Public Open Space, Thornaby
Reserved matters application for residential development comprising of 114
no. apartments and houses together with associated works**

Expiry date 8th August 2007

SUMMARY:

The application site is located to the south of the A66 Trunk Road, east of the River Tees and west of Thornaby Road in North Thornaby. The site encompasses Sun Street and Pottery Street and has frontage onto Thornaby Road

Outline planning permission was granted on the 24th January 2005 under application 04/2419/OUT for residential development including public open space.

Planning permission is sought under a reserved matters application for the erection of 114no. apartments and house with associated works.

RECOMMENDATION

It is RECOMMENDED that application 07/1482/REM be delegated to the Development Services Manager in the absence of the Head of Planning for approval subject conditions and subject to receiving satisfactory amended plans, no objections from statutory consultees and an agreement on provision of affordable housing.

Should the necessary information but be received prior to the expiry date of the 16th August then the application will be refused on grounds of levels of amenity and affordable housing provision.

Conditions;

Plans

Materials

Noise disturbance from adjacent road traffic

Possible land contamination

Remediation and validation

Landfill Gas

Construction Noise

Archaeological features

Bounded surfaces – highways

Tree Protection

Landscaping

Cycle Storage

Bin storage

Means of enclosure

Levels

Works to southern boundary wall

Restrictions on Permitted development - External alterations

- Conversion of integral garages

And any other conditions that are deemed necessary

Adopted Stockton on Tees Local Plan (June 1997) GP1 General Principles and HO11 Design and Layout

BACKGROUND

1. Outline planning permission was granted on the 24th January 2005 under application 04/2419/OUT for residential development including public open space. Only the principle of development was sought with all matters reserved for a future submission, the application showed an indicative site plan detailing some 135 flats and 73 town houses and the open space.

THE PROPOSAL

2. The application site is located to the south of the A66 Trunk Road, east of the River Tees and west of Thornaby Road in North Thornaby. The site encompasses Sun Street and Pottery Street and has frontage onto Thornaby Road. To the south are residential properties on Stafford Close, Watson Grove and Garden Close with the New Robertson development to the north. On the opposite side of Thornaby Road to the east, the land is predominantly in residential use.
3. Planning permission is sought under a reserved matters application for the erection of 114no. apartments and house with associated works.

CONSULTATIONS

The following responses have been received from departments and bodies consulted by the Local Planning Authority

Tees Valley Joint Strategy Unit

The outline planning application for residential development at the Sun Street Depot site (04/2419/OUT) was considered by the Tees Valley Joint Strategy Committee on 29 September 2004. As this application relates only to detailed reserved matters I have no further comments to add from a strategic planning aspect.

Local Ward Councillors

No response received.

Environmental Health Unit

Further to your memorandum regarding the above, I have no objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend the conditions as detailed be imposed on the development should it be approved.

Noise disturbance from adjacent road traffic

Possible land contamination

Remediation and validation

Landfill Gas

Construction Noise

Tees Archaeology Section

Thank you for the details of the above planning application and accompanying archaeological report.

This report assesses the impact of the development upon archaeological remains and makes a number of recommendations for further archaeological work. In summary, the site was formerly host to the Stafford Pottery which dates from 1825. Parts of the factory survive within the fabric of the current standing buildings and more is likely to survive below ground. The report recommends that the existing buildings are subject to historic building survey prior to demolition and that archaeological deposits are tested by a series of trial trenches. I support these recommendations.

The report does not make clear, that should the trial trenches identify well preserved remains, that further excavation will be necessary to ensure that an appropriate record is made prior to their destruction.

This can be achieved by carrying forward the archaeological planning condition from an earlier consent. I set out below the recommended wording for the condition: -

Condition

No development shall take place within the area indicated until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the local planning authority.

Reason

The site is of archaeological interest.

This condition is derived from a model condition set out in P.P.G. 16. 1990. Archaeology and Planning. DoE.

Please do not hesitate to contact me if I can help further with this application.

Northern Gas Networks

No objections to the proposal and encloses mains records for the area.

British Waterways

The planning consultation outline above is located within the buffer zone identified on the 10:000 Ordnance Survey Maps in your possession. It has no

impact on the waterway and therefore we have no comment to make and do not require notification of your decision.

Joint Public Transport Group

No response received.

The Environment Agency

Thank you for your letter which was received on the 24 May 2007

The flood risk assessment (FRA) is generally acceptable but certain details will need to be confirmed before condition 9 of the outline permission can be discharged.

Since the FRA was produced, PPG 25 has been superseded by PPS 25, which includes updated guidance on allowances for climate change. Please refer to table 8.1 on p15. In this context Environment Agency guidance is that 100 years should be considered as the lifetime of residential development when estimating allowances. Flood estimations and flow routes have been refined further by the EA's Tees Tidal Flood Strategy. Therefore the level of finished floor levels should be reassessed based on this latest guidance.

The FRA acknowledges the need for a surface water drainage scheme but states no details are available as yet. The FRA should be amended to include these details, including any attenuation necessary to prevent increased run off rates.

Thornaby Town Council

No response received.

NEDL

Response refers safety whilst working near underground services and states that ground cover must not be altered either above CE Electric cables or below overhead lines, in addition no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All apparatus is legally covered by a way leaves agreement, lease or deed or alternatively protected under the Electricity Act 1989. Diversion and alterations can be made and costs can be provided by NEDL.

Northumbrian Water Limited

No response received.

Stockton Police Station - Eddie Lincoln

No response received.

Highways Agency

This is a reserved matter planning application and in October 2004 we were consulted regarding the outline planning application reference 04/2419/OUT which we assessed a total of 208 dwellings on the development site. Following negotiation with the developers consultant, on October 2004 we wrote to you withdrawing out TR110 holding direction stating that the trunk road layout would adequately cope with the development.

The development now being considered proposes 94 fewer dwellings than previously assessed and therefore the Highways Agency has no objection to this reserved matters planning application.

We did not propose any conditions at the outline planning stage and at this stage would wish to encourage the introduction of a travel plan for this site in order to minimise any impact on the trunk road network.

The Head of Technical Services

Landscape Comments;

This development occupies an important position on the river Tees corridor and I understand a combined footpath and cycleway link is proposed along side the river on the west side of the development. I make the following comments regarding the landscaping of the site:

The Housing Estate

Although the trees shown are smaller species some of the proposed planting appears to be within 3 metres of the dwellings which is too close and could create problems of shading and foundation damage. We would recommend that no tree planting comes within 6 metres of a building and that root barrier are used where any tree planting is within 4 metres of a footpath or roadway edge. This will cause a drop in tree numbers and where trees cannot be planted shrub planting should be used to soften the estate. The size of the trees should be increased to heavy standard stock of minimum size 14-16cm girth. Planting methods are acceptable.

The existing trees worthy of retention appear to have been retained within the development and these must be protected during the site works with the following provisions, which form part of B.S.5837 Trees in Relation to construction 2005:

Changes in levels near the branch spread of the trees must be avoided.

Where tree roots are encountered, only hand digging will be allowed and the no dig construction methods shown in the tree report should be used where necessary.

Compaction to the root spread of the tree must be avoided and the protective barrier shown in the tree report is acceptable.

No storage of materials are permitted within the RPZ of the trees.

No fires will be permitted near the trees.

Service runs should avoid the RPZ of the tree and reference should be made to the Document NJUG10 from the National Joint Utilities Group.

Some of the existing trees appear very close to the proposed houses and garages and the construction building foundations should allow for an

Design And Building Services

PA 07/1482 - affects part of the Council land, we have agreed in principle to dispose of this land subject to planning consent. No objections to the proposal.

Urban Design - Engineers

Highways Comments

I am satisfied that there is sufficient parking included within the development, there appears to be one space short for each of the apartment blocks and

four of the 2 bedroom town houses only have 1 space allocated, on balance these are acceptable given the size and nature of the development. In my opinion all bays have adequate reversing space available. I am satisfied that the geometry of the carriageway is to the Councils Design Guide and Specification.

There are two bicycle stores shown on the layout plan, however there are no details of number of cycles that can use it or indeed whether it is covered and secure.

The location of the bin storage is acceptable as it is approximately 20metres from the highway.

The positioning of the speed humps are acceptable, they should be constructed in accordance with the Councils Design Guide and Specification.

The footway/cycleway facilities are acceptable and should be designed to Design Guide standards.

Dropped crossings should be provided at the Thornaby Road/Pottery Street junction as well as Thornaby Road/Sun Street junction and the Sun Street junction with the development.

Crushed aggregate is an unacceptable material to be used for driveways. Hard surfacing is required and permeable materials shall be used to allow for drainage.

I note the comment regarding the 1.5m apron which was detailed on the plan and would still not accept the proposal of crushed aggregate driveways. The reason being that the aggregate may damage highway if it spills over the apron, particularly on sloping driveways and it can also get dragged along by vehicles. We would request a condition that bound materials only are to be used for driveways.

The developer is required to enter into a Section 38 agreement with the local highway authority for the adoption of the highway.

4. The local residents and occupiers have been individually notified of the application and the application was advertised in both the press and by a site notice. The latest consultation period expired on the 21st June 2007. A total of one (1) letter of objection has been received, objecting to the proposals as detailed below:

Easi Gears – Sun Street, Thornaby.

Problems have already been received during phase 1 of Sun Gardens such as interruption of services, construction and contractors which have all caused substantial expense to the company through loss of production, similar problems are expected during this next phase.

Concerns are also raised in relation to increase in traffic, loss of parking facilities, potential loss of passing trade.

PLANNING POLICY CONSIDERATIONS

5. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are :- the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

The following planning policies are considered to be relevant to the consideration of this application:-

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Policy HO11

New residential development should be designed and laid out to:

- (i.) Provide a high quality of built environment which is in keeping with its surroundings;
- (ii.) Incorporate open space for both formal and informal use;
- (iii.) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv.) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (V.) Pay due regard to existing features and ground levels on the site;
- (vi.) Provide adequate access, parking and servicing;
- (vii.) Subject to the above factors, to incorporate features to assist in crime prevention.

MATERIAL PLANNING CONSIDERATIONS

6. The main planning considerations of this application are the impacts on the character of the area, amenity of neighbouring occupiers and access and highway safety.

Principle of development

7. The principle of residential development on the site was established as being acceptable under application 04/2419/OUT, given that this is a reserved matters application there is no change in circumstance since the outline approval, and the principle remains acceptable.

Impact on the character of the area

8. The design of the proposed development is a fairly typical for a modern housing development. It is considered that the design of the units will not have a detrimental impact on the character of visual amenities of the locality and is in accordance with policy GP1 of the Stockton on Tees Local Plan.

Amenity of the neighbouring properties

9. The majority of the distances between the side and rear of the properties are in line with the Council's minimum standards. There are instances between front elevations which are below the minimum standards, however, the development is designed to create a compact street pattern these distances are considered acceptable.
10. Between the flatted developments there would be a distance of 6m between kitchen windows, as these are not considered to be habitable room, in this instance it is considered acceptable.
11. The distance between proposed plots 110 and 109 and the adjacent Robertson's development (Sun Gardens) are at present considered to be unacceptable. The applicants are currently working on a scheme to increase these distances.
12. Given the tight nature of the development it is considered to be reasonable to remove the permitted development rights to allow extensions and alterations to be made to the dwelling without the need for planning permission. This should ensure that any extensions to the properties in future would not have a detrimental impact on the privacy or amenity of neighbouring residents.
13. On balance the proposed development is therefore considered to be acceptable subject to the receipt of and the amended plans being satisfactory.

Affordable homes

14. Condition 4 (part (f) of the outline approval requires that an element of affordable housing would need to be agreed with arrangement on ensure that benefits are passed onto subsequent owners. Council's Local Housing Assessment (Dec 2006) highlighted a need for affordable units at a level of 15%.
15. Discussions are currently ongoing with the applicant and the Council's Housing department as initial figure would suggest that at present only the 1 bed apartments would fall within the 'affordable' homes bracket. Given the requirement for a suitable level of affordable housing as part of the outline application and if suitable agreement is not met this would be a reason for refusal of the application.

Flood Risk

16. The Environment Agency (EA) have commented that some additional information was required as part of the Flood Risk Assessment (FRA) in relation to surface water drainage. Additional information has been submitted to both the LPA and the EA and a formal response is awaited.

Access and Highway Safety

17. The Head of Technical Services has commented that they have no major objections to the proposed development, further details are required in respect of the cycle parking provision and the crushed aggregate is not considered to be acceptable, both of these matters can be addressed via planning conditions.
18. The Highways Agency also have no objections to the proposed development, given this reserved matters application proposed fewer dwellings than granted as part of the outline planning approval.
19. Given there are no significant outstanding highway issues, it is considered that the proposed development does not pose any significant impacts on access or highway safety.
20. One objection has been received from a neighbouring business in relation to the impact of the development on traffic and parking provision currently enjoyed by the company. The impact of the development on the highway network has been assessed as part of the outline application and also under these reserved matters and it is considered that the scheme poses no significant impacts.
21. In relation to the loss of parking to the business the land surrounding the objector's property is not within the company's ownership. There is no loss of curtilage parking to the objector.

Residual Matters

22. Concerns have also been raised from the objector in relation to the impacts of the development on his business, the construction of the development is a medium term impact, the principle of development has already been established and if the development affects the profitability of the company this would be a civil issue between the developer and objector to see if compensation could be agreed.
23. The loss of visibility to the business and potential loss of passing trade is a commercial issue and not considered to be a material planning consideration.

CONCLUSION

24. In conclusion, the principle of residential development on the site has already been accepted, details regarding the layout and affordable homes provision need to be agreed although there is a strong likelihood this will happen and this poses no fundamental objection to the development.

Corporate Director of Development & Neighbourhood Services
Contact Officer: Jane Hall
Email Address: jane.hall @stockton.gov.uk
Telephone Number: 01642 528556

Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers

Stockton-on-Tees Adopted Local Plan (1997)
Planning Applications 04/2419/OUT

Ward	Mandale And Victoria Ward
Ward Councillors	Councillor Mrs A Trainer Councillor S F Walmsley and Councillor T Large